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FM AMEMBASSY KUALA LUMPUR  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1455  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY  
RUEHBK/AMEMBASSY BANGKOK PRIORITY 3337  
RUEHUL/AMEMBASSY SEOUL PRIORITY 1683  
RHHMUNA/USCINCPAC HONOLULU HI PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KUALA LUMPUR 000701

SIPDIS

DEPT FOR EAP/MTS, BANGKOK AND SEOUL PLEASE PASS TO THE EAP  
TRAVELING PARTY

E.O. 12958: DECL: 08/07/2018

TAGS: [PGOV](#) [PHUM](#) [MY](#)

SUBJECT: ANWAR CHARGED BUT REMAINS FREE

REF: A. KL 688 ANWAR TO BE CHARGED

[1](#)B. STATE 83221 - RESPONDING TO CHARGES AGAINST ANWAR

[1](#)C. KL 666 ANWAR TO CONTEST FORMER SEAT

[1](#)D. KL 626 - ANWAR ARRESTED

[1](#)E. EAP-EMBASSY KL EMAIL AUGUST 1

Classified By: Classified By: Acting Political Section Chief W. Gary Gr  
ay for reasons 1.4 (b  
and d).

[1](#)1. (C) Summary. As expected, on August 7 Anwar Ibrahim was formally charged with consensual sodomy, but his supporters were jubilant when the judge ruled the de facto opposition leader would remain free on a "personal bond." The Government's prosecution team made no attempt to oppose bail, and Anwar and his supporters maintained to us that judicial officials were divided and in disarray due to the weakness of the case. The ruling means Anwar will be free to campaign for the August 26 by-election he is contesting, but will be back in court again on September 10, when the case is expected to be moved to the High Court and the question of bail revisited. The Ambassador delivered Ref B points to MFA Secretary General Rastam late on the afternoon of August 7. End summary.

[1](#)2. (SBU) In the Sessions court room packed with his supporters and the media, former Deputy Prime Minister and de facto opposition leader Anwar Ibrahim was charged with consensual sodomy under Section 377B of the Penal Code. He responded by asserting "this is a malicious slander. I am not guilty." To the surprise of most observers, the prosecution team, led by Solicitor-General Idrus Harun, did not oppose bail, proposing only that it be set at RM 20,000 and that Anwar's passport be impounded. After Anwar's lawyer Sulaiman Abdullah argued that his client was highly unlikely to flee, Judge Komathy Suppiah ruled that Anwar remain free on personal bond of RM 20,000 without surety and maintain possession of his passport. She fixed September 10 as the next court hearing, when the case is expected to be moved to the High Court.

[1](#)3. (C) When the court adjourned, Anwar's family members and supporters reacted jubilantly. Observers at the hearing included poloffs, a British diplomat, representatives of the Malaysian Bar Council, and human rights NGOs as well as top opposition leaders and MPs. Sankaran Nair, one of Anwar's lawyers, told us he saw the decision as "very fair" and explained that under the "personal bond" police cannot detain Anwar or withdraw the bond but can only summon him to provide a statement if the need arises. He cautioned that Anwar's current freedom under the personal bond does not guarantee that he will be granted bail at the next step in the case, its referral to the High Court on September 10. Sankaran stressed, however, that only in very rare cases does a High

Court judge refuse bail after the Session court previously has granted it.

¶4. (C) After the ruling, Anwar expressed his appreciation to poloffs for their presence, and forcefully maintained that the trial was a sham. He claimed that his sources in the Attorney General Chambers had told him that legal officials there had been reluctant to press the charges and were still weighing the issue until late the previous night, until being "forced" to go ahead. A clearly relieved Anwar added "thank God we are not under Mahathir. I do not think I would have gotten bail." The former DPM was greeted by hundreds of rowdy but peaceful supporters upon emerging from the court house. There was a heavy police presence, including anti-riot Federal Reserve Units and Special Branch agents.

¶5. (C) The Ambassador spoke with MFA Secretary General Rastam Mohd. Isa late on the afternoon of August 7, conveying Ref B instruction points and noting that we had already made our concerns known to the Malaysian Charge in Washington on August 6. In response, Rastam recalled FM Rais' exchange with the Secretary last month in Singapore, during which he had assured her that Malaysia was acting in accordance with the rule of law. The Ambassador noted that the U.S. would continue to raise this issue.

¶6. (C) Comment. Anwar's assertions that the Government's prosecution team was less than enthusiastic was lent some credence by what seemed a desultory and uninspired presentation by the Solicitor-General. Judge Komathy has a reputation for impartiality and fairness. The next stage of the proceedings will be more crucial, however, and the

KUALA LUMP 00000701 002 OF 002

Government is expected to assign a more compliant High Court judge to the case, a move the defense lawyers told us they were already preparing to challenge. End Comment.

KEITH